

# Legislative Analysis



## BEFORE- AND AFTER-SCHOOL CARE AT FAMILY AND GROUP CHILD CARE HOMES

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

House Bill 5976 (H-1) as referred to second committee

Sponsor: Rep. Pauline Wendzel

1st Committee: Families, Children and Seniors

2nd Committee: Ways and Means

Complete to 9-21-20

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 5976 would amend 1973 PA 116, the child care licensing act, to increase the number of children that in-home child care providers could receive into care under certain circumstances.

Currently under the act, a family child care home is defined as a private home where up to six children are taken care of and supervised for periods of less than 24 hours at a time for compensation, and a group child care home is a private home where seven to 12 children are provided that supervision and care.

Under the bill, with written approval from the Department of Licensing and Regulatory Affairs (LARA), the operator of a family child care home or group child care home could submit a written request to LARA to care for additional unrelated school-age children during *before- or after-school care* hours. The operator would have to have a regular license with no pending disciplinary action, including a provisional license, refusal to renew, or revocation or increased monitoring due to a violation of a rule or law.

*Before- or after-school care* would mean child care during the hours of 5 a.m. to 9 a.m. and 2:30 p.m. to 6 p.m. on school days. It would not apply to a school break from regularly scheduled classes (such as spring, summer, or winter break), when school is closed to observe a state or federal holiday, or a snow day.

Upon approval from LARA, a family child care home could care for two additional unrelated school-age children during before- or after-school care hours, or a group child care home could care for four additional unrelated school-age children during those hours. In either case, the existing square footage requirement would have to be met to obtain departmental approval.

LARA would have to rescind the written approval described above if a recommendation were made for disciplinary action, including increased monitoring of the licensee due to a substantial or willful violation of a rule or law.

#### Ratio of personnel to children

While providing before- or after-school care, as operator of a family or group child care home approved as described above would be exempt from counting the number of additional children allowed under the approval in the ratio of *child care personnel* to children as allowed in the administrative rules.

***Child care personnel*** would mean an individual who is at least 14 years old to whom one or more of the following apply:

- He or she is employed by a family child care home or group child care home for compensation. This would include a contract employee or self-employed individual.
- His or her activities involve the unsupervised care or supervision of children for a family child care home or group child care home.
- He or she has unsupervised access to children who are cared for or supervised by a family child care home or group child care home.
- He or she acts in the role of a licensee designee.

Proposed MCL 722.114c

#### **FISCAL IMPACT:**

House Bill 5976 would be unlikely to have a significant fiscal impact on any unit of state or local government. The bill would create new administrative responsibilities for the Department of Licensing and Regulatory Affairs, but these responsibilities would likely be sufficiently absorbed by existing departmental personnel and appropriations.

#### **POSITIONS:**

The following entities testified in support of the bill (9-10-20):

Northern Michigan Chamber Alliance  
Fletcher Home Childcare  
Talent 2025

The following entities indicated support for the bill (9-10-20):

Little House  
Ms. Heather's Friends  
Bunny Patch Day Care

The State Alliance of Michigan YMCAs indicated a neutral position on the bill. (9-15-20)

The following entities indicated opposition to the bill:

Department of Licensing and Regulatory Affairs (9-15-20)  
Michigan League for Public Policy (9-10-20)

Legislative Analyst: E. Best  
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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.